

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

DEREK L. W.,¹

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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Civil Action No. 1:23-cv-00068-H-BU

FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Now before the Court is the Social Security Commissioner's Unopposed Motion to Remand. Dkt. No. 13. The Commissioner asks the Court to reverse and remand this case pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings. *See id.*

This case was transferred to the undersigned for the determination of non-dispositive matters and the issuance of findings, conclusions, and recommendation on all dispositive matters. Dkt. No. 5. Because the parties have not consented to proceed before a magistrate judge, the undersigned submits these proposed Findings, Conclusions, and Recommendation for the disposition of this case.

After reviewing the Commissioner's Unopposed Motion and the applicable law, the undersigned FINDS that the Motion (Dkt. No. 13) should be GRANTED. Accordingly, it

¹ Due to concerns regarding the privacy of sensitive personal information available to the public through opinions in Social Security cases, Plaintiff is identified only by first name and last initial.

is RECOMMENDED that this case be REVERSED and REMANDED to the Commissioner under the fourth sentence of 42 U.S.C. § 405(g) for further adjudication consistent with the Commissioner's Motion.

A copy of this FCR will be served on all parties in the manner provided by law. Any party who objects to any part of this FCR must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's FCR where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

ORDERED this 18th day of July, 2023.



JOHN R. PARKER
UNITED STATES MAGISTRATE JUDGE